

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS, STATE OF
LOUISIANA

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*

Defendants.

No. 6:21-cv-00016

REPLY

Defendants provide this reply to address the States' incomplete and misleading picture about ICE's detention operations. *See* Pls.' Resp. at 9 (ECF No. 231). As explained in Defendants' proposed findings of fact, ICE book-ins were *greater* in each month from October 2021 through February 2022, as compared to October 2019 through February 2020. Defs.' Post-Tr. Proposed Findings of Fact and Conclusions of Law ¶ 60 (ECF No. 222). A greater share of book-ins, however, resulted from CBP arrests, rather than interior enforcement, as a result of increased enforcement at the border. *Id.* (citing Declaration of Peter Berg ¶ 18, AR_DHSP_00006029). Further, in their post-trial response brief, the States cite a news article for the proposition that there was a large drop in removals in Fiscal Year 2021, which predated the effective date of the September Guidance. *See* Pls.' Resp. at 9-10. But that news article fails to account for the fact that between January 2021 and July 2021, DHS expelled more than 600,000 noncitizens covered by the CDC's public health Order, which was not issued until the middle of Fiscal Year 2020. *See* CBP, *Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions FY2021* (last visited Apr. 6, 2022), <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2021>.

Dated: April 8, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically
(via CM/ECF) on April 8, 2022.

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